

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOMINIC JOSEPH ABBOTT,)	
)	Civil Action No. 12 – 821
Petitioner,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
BUTLER COUNTY CONVICTION)	
CR-1080/C.A. 2126 OF 2003,)	
)	
Respondents.		

ORDER

This case is before the Court on the § 2255 Motion to Vacate, Set Aside or Correct a Sentence filed by Petitioner on June 18, 2012. Upon review, it appears as if Petitioner is attempting to challenge the validity of his criminal conviction out of Butler County, Pennsylvania. Petitioner is advised that motions to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255 are available only to those persons convicted in federal courts. On the other hand, a state prisoner like Petitioner seeking to challenge his state court criminal conviction or sentence may do so by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. As such, to the extent Petitioner is seeking to challenge his state court criminal conviction, he will be required to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. To better evaluate his claims, the Court will require Petitioner file his habeas petition on the habeas corpus form provided to him herein by the Clerk of Court.

AND NOW, this 24th day of July, 2012;

IT IS HEREBY ORDERED that the Clerk of Court mail to Petitioner the proper forms so that he may file a proper habeas corpus petition.

AND IT IS FURTHER ORDERED that if Petitioner wishes to pursue habeas relief, he shall have until **August 14, 2012** to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which he explicitly sets forth his grounds for habeas relief. Failure to timely file such petition will result in a recommendation that this action be dismissed.

By the Court:

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
Chief United States Magistrate Judge

cc: Dominic Joseph Abbott
GB5800
SCI Graterford
Post Office Box 244
Graterford, PA 19426